

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

CASE NO.:

PATRICK WALSH,)
Individually,)
)
ALEXANDRA WALSH,)
Individually,)
)
Plaintiffs,)
v.)
)
CHUBB, a Corporate Defendant,)
)
PACIFIC INDEMNITY)
COMPANY, a Corporate)
Defendant,)
)
LISA DARR, Individually and)
As Agent of CHUBB,)
)
JONATHAN BEAUCHAMP, as)
Agent of CHUBB,)
)
GEORGE CLARK, Individually)
And as Agent of PACIFIC,)
)
Defendants.)

NOTICE OF REMOVAL

Defendants identified as CHUBB, a corporate defendant, PACIFIC INDEMNITY COMPANY, a corporate defendant, LISA DARR, individually, JONATHAN BEAUCHAMP, as Agent of Chubb, and GEORGE CLARK, individually and as Agent of Pacific, jointly, with consent of each named Defendant, each of whom are represented by undersigned counsel, and pursuant to 28 U.S.C. §1441 *et seq.*, hereby remove this

action pending in the Sixteenth Judicial Circuit, Etowah County, Alabama, styled *Patrick Walsh, individually, and Alexandra Walsh, individually v. Chubb, a Corporate defendant, Pacific Indemnity Company, a corporate defendant, Lisa Darr, individually and as agent of Chubb, Jonathan Beauchamp, as agent of Chubb, George Clark, individually and as Agent of Pacific, and Fictitious Defendants #1 to #2*, Case No.: 31-CV-2020-900204.00, to the United States District Court for the Northern District of Alabama, Middle Division, and states:

TIMELY NOTICE OF REMOVAL

1. Plaintiffs, Patrick Walsh and Alexandra Walsh, filed suit in the Sixteenth Judicial Circuit in Etowah County, Alabama, on March 26, 2020. On March 30, 2020, the Summons and Complaint were served upon the entity identified as CHUBB. Defendants, LISA DARR, and JONATHAN BEAUCHAMP were also served by certified mail on or about March 30, 2020. This removal is being timely filed within thirty (30) days of service upon the first Defendants.

2. This is a civil action being brought against the Defendants seeking to recover damages allegedly resulting from the failure to pay an insurance claim. The complaint contains the following counts: bad faith, fraud, and negligent training and supervision.

3. There is complete diversity of citizenship between the parties.

4. At no time material to this action were Plaintiffs or Defendants citizens of the same state. In addition, the amount in controversy exceeds \$75,000.00. The matter is also removed within one year of the filing of the lawsuit.

VENUE

5. Venue is proper in the United States for the Northern District of Alabama, Middle Division, because the state court action originated in Etowah County, Alabama.

JURISDICTION

6. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §1332 because the controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

DIVERSITY OF CITIZENSHIP

7. At the time this action was commenced, at the present time, and at all times material to this action, Plaintiffs were, and are, citizens of Alabama, residing in Etowah County, Alabama. Therefore, Plaintiffs are citizens of Alabama.

8. At the time this action was commenced, at the present time, and at all times material to this action, the Defendant identified as CHUBB is incorrectly identified in the Complaint as a proper legal entity. The correct named Defendant, Chubb Group Holdings, Inc., was, and is, a foreign corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in New Jersey.

Accordingly, the entity incorrectly identified as CHUBB, but properly named as Chubb Group Holdings, Inc. is a citizen of Delaware and New Jersey for purposes of determining diversity under 28 U.S.C. §1332(c)(1).

9. At the time this action was commenced, at the present time, and at all times material to this action, the Defendant identified as PACIFIC INDEMNITY COMPANY was, and is, a foreign corporation organized and existing under the laws of the State of Wisconsin, with its principal place of business located in New Jersey, and is authorized to issue insurance policies in the State of Alabama. Accordingly, PACIFIC INDEMNITY COMPANY is a citizen of Wisconsin and New Jersey for purposes of determining diversity under 28 U.S.C. §1332(c)(1).

10. At the time this action was commenced, at the present time, and at all times material to this action, the individual Defendant LISA DARR, resided in Edwardsville, Illinois. Therefore, LISA DARR is a citizen of Illinois.

11. At the time this action was commenced, at the present time, and at all times material to this action, the individual Defendant JONATHAN BEAUCHAMP, resided in Phoenix, Arizona. Therefore, JONATHAN BEAUCHAMP is a citizen of Arizona.

12. At the time this action was commenced, at the present time, and at all times material to this action, the individual Defendant GEORGE CLARK, resided in Suwanee, Georgia. Therefore, GEORGE CLARK is a citizen of Georgia.

13. Each Defendant, separately and severally, consents to the removal of this action by and through their represented and undersigned counsel.

14. As such, complete diversity exists between the parties in accordance with 28 U.S.C. §1332.

15. At no time were Plaintiff and Defendant citizens of the same state for purposes of this removal.

AMOUNT IN CONTROVERSY

16. Plaintiff sued Defendant for bad faith failure to pay a claim, fraud, and negligent training and supervision, for the alleged wrongful failure to pay for an insurance loss.

17. Plaintiffs' state court Complaint alleges compensatory damages in the amount of \$605,000, and punitive damages in the approximate amount of \$6,055,000. (See, Complaint, Exhibit A, at p. 14 of 18) Accordingly, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

CONCLUSION

18. Defendants, through their undersigned counsel, remove this case to the United States District Court for the Northern District of Alabama.

19. Defendant demands a trial by jury on all issues so triable.

20. Promptly after filing this notice of removal, Defendants will give written notice to all adverse parties, and will file a copy of this notice with the clerk of the State court pursuant to 28 U.S.C. §1446(d).

21. 28 U.S.C. §1446(a) requires Defendants to file copies of all process, pleadings, and orders served upon it. Those documents are attached hereto along with the docket sheet. (See, Exhibit B)

WHEREFORE, Defendants respectfully request this Honorable Court exercise jurisdiction over this matter.

Respectfully submitted by counsel for all
Defendants,

/s/ Michael A. Montgomery
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CERTIFICATE OF SERVICE

I certify that on April 15, 2020, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system. I further certify that a true and correct copy of the foregoing has been furnished this day via Electronic Mail to:

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/s/ Michael A. Montgomery

MICHAEL A MONTGOMERY, ESQ.